

**REMARKS**

Claims 1, 2, 4-15, 17, 18, 20-31, 33, 35-46, 48, 50-61, and 63 are all the claims presently pending in the application. Claims 3, 16, 19, 32, 34, 47, 49, and 62 are canceled. Various claims have been amended to more particularly define the invention in accordance with local practice. The basis in the specification for describing the partial network of the present invention as being “self-configuring” is found at least in the description at lines 20-22 of page 23 and at line 18 on page 27 through line 10 of page 28.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge the Examiner’s indication that claims 5, 6, 8, 11, 21, 22, 24, 27, 36, 39, 42, 51, 54, 57, and 63 would be allowable if rewritten in independent format and the indefiniteness rejection were overcome. However, Applicants believe that all claims are allowable over the references currently of record.

The Examiner objects to claim 13 for the incorrect spelling of “separates.” Applicants believe the above claim amendments appropriately address this concern and respectfully request that the Examiner reconsider and withdraw this objection.

Claims 1-63 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Applicants believe the above claim amendments appropriately address the Examiner’s concern and respectfully request that the Examiner reconsider and withdraw this rejection.

Claims 48-62 stand rejected under 35 U.S.C. § 101 as allegedly directed toward non-

statutory subject matter. Although Applicants point out that a computer program defines a process and is, therefore, one of the four categories explicitly identified in 35 U.S.C. § 101, in an effort to expedite prosecution, Applicants have amended independent claim 48 in accordance with wording found in the Guidelines.

Claims 1-3, 7, 15-19, 23, 31-34, and 46-49 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2003/0165119 to Hsu et al., further in view of US Patent 5,761,435 to Fukada et al. Claims 4, 12-14, 20, 28-30, 35, 37, 38, 43-45, 50, 52, 53, and 58-62 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hsu, further in view of US Patent 6,882,630 to Seaman. Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hsu/Fukada/Seaman, further yet in view of US Patent 7,061,876 to Ambe. Claims 25, 26, 40, 41, 55, and 56 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hsu/Fukada, further yet in view of Ambe.

These rejections are respectfully traversed in the following discussion.

## **I. THE CLAIMED INVENTION**

As described in, for example, independent claim 1, the claimed invention is directed to a network system for setting a transfer path according to a spanning tree on a network connecting a plurality of nodes. Two different networks are connected by a self-configuring partial network consisting of at least four nodes accommodating no terminal. A node belonging to the self-configuring partial network configures and manages a spanning tree for every other network adjacent to the self-configuring partial network, according to a spanning tree protocol. Conventional methods of setting up a spanning tree, as discussed beginning at line 13 on page 1 of the disclosure, affect a large area when a spanning tree has to be modified due to a failure.

In contrast, the present invention uses a self-configuring partial network to first configure itself and then configure the attached partial networks, if required, thereby

shortening the configuration time.

## II. THE PRIOR ART REJECTIONS

The Examiner alleges that Hsu, when modified by Fukuda, renders obvious the present invention described in claims 1-3, 7, 15-19, 23, 31-34, and 46-49, and, when further modified by Seaman, renders obvious claims 4, 12-14, 20, 28-30, 35, 37, 38, 43-45, 50, 52, 53, and 58-62, and when further yet modified by Ambe, renders obvious claims 35, 26, 40, 41, 55, and 56. The Examiner also considers that Hsu/Fukada/Seaman, when further modified by Ambe, renders obvious claims 9 and 10.

Applicants submit, however, that there are elements of the claimed invention which are neither taught nor suggested by Hsu.

The Examiner points to Figure 15 as demonstrating that Hsu teaches the contents of independent claim 1 except for the configuring of adjacent networks and relies upon Fukada to make up this deficiency of Hsu.

However, Applicants respectfully submit that neither primary reference Hsu nor secondary reference Fukada teaches or suggests using a self-configuring partial network which first configures itself and then configures a spanning tree in any adjacent partial networks. The Examiner relies upon the remaining secondary references for features not related to overcoming this fundamental deficiency in Hsu.

Hence, turning to the clear language of the claims, in Hsu, even if modified by Fukada, there is no teaching or suggestion of: "...wherein two different networks are connected by a self-configuring partial network consisting of at least four nodes accommodating no terminal, and a node belonging to said self-configuring partial network configures and manages a spanning tree for every other network adjacent to the self-

configuring partial network ...”, as required by independent claim 1. The remaining independent claims have similar language or concepts.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Hsu. Therefore, the Examiner is respectfully requested to withdraw these rejections.

### III. FORMAL MATTERS AND CONCLUSION

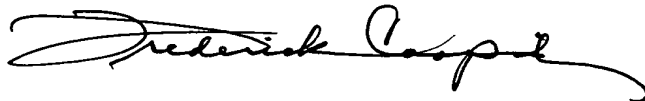
In view of the foregoing, Applicant submits that claims 1, 2, 4-15, 17, 18, 20-31, 33, 35-46, 48, 50-61, and 63, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 12/27/07



Frederick E. Cooperrider  
Registration No. 36,769

**McGinn Intellectual Property Law Group, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**